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Examiner: Robert E. Rhode, Jr.

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DEC 09 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): William B. Douglas

Examiner: Robert E. Rhode, Jr.

Application No.: 09/741,665

Group Art Unit: 3625

Filing Date: December 18, 2000

Atty. Docket #: ESSE.01USU1

Title: BLIND-SUPPLY OPEN COMMERCE BUSINESS SYSTEM

COMMISSIONER FOR PATENTS
P.O. Box 1450
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INTERVIEW SUMMARY

Dear Sir:

Applicant's Attorney, William W. Cochran, conducted an interview with Examiner Rob Rhode on December 7, 2005. Applicant appreciates the Examiner's time for this interview. In that interview, the last Office Action was discussed as well as Applicant's Response to the last Office Action.

As discussed in the interview, Fair Market discloses an online auction. Applicant's claimed invention is not an auction. Doyle is an in-house computerized ordering system for ordering office supplies. Applicant's claimed invention is not an in-house ordering system. Applicant's claims are directed to an on-line system for anonymously selling goods at a set price.

Fair Market and Doyle disclose two different types of systems that use two different principles of operation, i.e., one is an auction and the other is an in-house computerized ordering system. Not only is there no motivation shown to combine these references, but the modifications required to combine these references and reconstruct Applicant's invention would require a change in the basic operating principles of the references and render these references inoperable for their stated purposes. Certainly, the principles of operation of these systems of Fair Market and Doyle are different. Under the system of Fair Market, the highest bid price wins at the end of the day. Under the

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system of Doyle, the prices are made available to the buyer, but there is no reason to keep the identity of the distributor secret. Picking and choosing the various features from the prior art to reconstruct Applicant's invention is clearly improper, especially when the reconstruction of Applicant's invention would require a change in the basic operating principles of the references. For example, picking the anonymity feature of the Fair Market system for use in the Doyle system would constitute a major change in the operation of the Doyle system. Conversely, Fair Market does not disclose a system in which a set price is provided to the buyer. Such a change would render the Fair Market system to no longer be an auction. Hence, the modifications required to combine these references would render these references inoperable for their stated purposes since the modifications would require changes in the basic principles of operation of the references. Hence, the combination of Fair Market and Doyle is improper.

Further, Applicant's claims require marking up of the price specified by the distributor. In other words, the price is marked up by a specific amount which is paid by the buyer. Fair Market discloses a system that teaches just the opposite. Under the Fair Market system, the seller pays a service fee. Hence, Fair Market fails to disclose a markup system in which the price specified, is marked up so that the buyer pays the fee rather than the seller.

Because of these clear differences and the reasons stated in the last response, this application clearly distinguishes from the prior art. Applicant therefore requests that this application be passed to issue.

Dated this 9th day December 2005.

Respectfully submitted,

COCHRAN FREUND & YOUNG LLC

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